IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APEAL FROM ORDER ST.NO.12350 OF 2006
WITH
CIVIL APPLICATION ST. NO.12351 OF 2006

Shrikant R. Mishra. ..Appellant.

V/s.

Mun.Corpn. of Gr.Mumbai & Anr. ..Respondents.

Mr.K.R.Tiwari i/b M/s.K.R.Tiwari for appellant.

Mrs. Geeta Joglekar for respondent BMC.

CORAM: A.M.KHANWILKAR,J

DATE : JUNE 14, 2006.

P.C. :

1. Heard counsel for the parties.

2. I have no reason to interfere with the order impugned in this appeal from order passed by the trial court dated 19.5.2006 rejecting the ad-interim relief as prayed. Counsel for the appellant however, contends that the finding of the Trial Court that the plaintiff has failed to produce any document regarding ownership of the property is incorrect. In my opinion, assuming that the said finding of the trial Court is to be ignored, even then, no case for ad-interim relief is made out. This is so because the argument of the appellant that the proposed

action of the respondents is at the behest of one Mr. Murari Prasad Agarwal and others cannot be accepted at this stage for the simple reason that the said persons have not been made parties to the suit. Accordingly, no case for ad-interim relief is made out. Hence, appeal as well as civil application are dismissed.

3. It will be open to the appellant to move the trial Court for necessary amendment, if so advised for adding such person as parties and also for asking relief against them. Those aspects will be considered by the trial Court on its own merits in accordance with the law.